

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

AWANA CLUBS INTERNATIONAL,

Plaintiff,

vs.

NEWGISTICS, INC., and PITNEY BOWES,
INC.

Defendants.

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Civil Action No. 1:20-CV-1002-JRN

Joint Rule 26(f) Report and Stipulation regarding Case Management

On January 14, 2021, the parties jointly filed their proposed scheduling order in line with Local Civil Rule 16(b). (*See* Dkt. 15.) In their proposed scheduling order, the parties proposed several principles governing discovery in this case, including acceptance of service by email, logging of privileged documents withheld from production, depositions limits, and notice of subpoenas. On January 19, the Court entered its own scheduling order in this case (Dkt. 16) but did not address or expressly adopt the parties' agreements.

In addition, the Court's Scheduling Order set February 26, 2021, as the deadline for amending pleadings in this case. Since entry of that order, the parties have actively engaged in good faith settlement discussions. In fact, as of February 25, the parties reached an agreement-in-principle to resolve this matter. For that reason, the parties jointly request a 28-day extension of the imminent deadline for the amendment of pleadings, resetting that deadline to March 26, 2021.

For these reasons, the parties respectfully file the following Rule 26(f) Report and Stipulation in line with proposed new Local Civil Rule 16(d) and new Local Civil Rules

Appendix N to reaffirm and further memorialize their agreements governing this case in the event further litigation is necessary and to respectfully request the above-described extension of time to amend the pleadings in this case in light of their likely settlement.

Specifically, the parties request that the Court adopt and affirm the parties' agreements on the following matters:

1. **Deadline to Amend Pleadings.** The deadline to amend or supplement pleadings is extended by twenty-eight (28) days to March 26, 2021.
2. **Consent to Email Service.** The parties consent to service of documents on counsel of record by e-mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(E).
3. **Privileged Materials.** The parties agree that Federal Rule of Evidence 502 applies to the conduct of discovery in this case, and, at the request of the parties, the Court orders, consistent with Federal Rule of Evidence 502(d), that Rule 502 applies in this case and that disclosure of protected material in this litigation is not a waiver of the protection in any other federal or state proceeding. The parties also agree, and the Court therefore orders, that any materials protected from discovery by the attorney-client privilege or the work product doctrine and created after May 1, 2020, solely for the purposes of this dispute and litigation, do not need to be identified on a log of withheld documents under Rule 26(b)(5), except upon order of this Court upon good cause shown.
4. **Depositions.** For the purposes of the limitation on the number of depositions that can be conducted in this case, a Rule 30(b)(6) deposition is treated as a single deposition even though more than one person may be designated to testify if the entire Rule 30(b)(6) deposition lasts less than seven hours. Each additional 7 hours

of Rule 30(b)(6) deposition time, or any fraction thereof, shall constitute an additional deposition that counts towards the ten-deposition limit.

5. **Subpoenas to Non-Parties.** A party that serves a subpoena on a non-party (the “Issuing Party”) shall include with the subpoena a copy of this Order as well as the anticipated confidentiality order and the anticipated electronic discovery order. The Issuing Party shall promptly produce to all other parties all documents and things obtained from any non-party by subpoena.

Agreed to on February 26, 2021:

s/ Arthur Gollwitzer III

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Certificate of Service

I, Arthur Gollwitzer III, an attorney of record in this matter, hereby certify that on February 26, 2021, I electronically filed the following document:

Joint Rule 26(f) Report and Stipulation regarding Case Management

with the Clerk of the United States District Court for the Western District of Texas, Austin Division, using the CM/ECF system, which will send notification and a copy of this filing to the following counsel of record:

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By: /s/ Arthur Gollwitzer III
Arthur Gollwitzer III